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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/705,210 | 11/07/2003 | Helmut Kanzler | Ruff 17 | 2928 |

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EXAMINER

TORRES, ALICIA M

ART UNIT PAPER NUMBER

3671

DATE MAILED: 04/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|--------------------------------------|--|--|
| Office Action Summary | Application No. 10/705,210 | Applicant(s) KANZLER, HELMUT | |
| | Examiner Alicia M. Torres | Art Unit 3671 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-44 is/are pending in the application.
- 4a) Of the above claim(s) 29-36 and 44 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21-28 and 37-43 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Objections

1. Claim 21 is objected to because of the following informalities: the claim is not directed to a single statutory class of invention. The claim is directed toward a machine and a process. To overcome this objection, the examiner suggests that the structure of the vehicle defined in lines 1-7 be moved after the method is defined (after the colon of line 10), as “providing” steps.

Appropriate correction is required.

DETAILED ACTION

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 21-28 and 37-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sabrowsky et al. 4,127,949 in view of Brandon et al. 6,591,593.

Sabrowsky discloses a snow-trail grooming device having:

- a drive motor (22)
- a track drive (44)
- further consumers of power (10) comprising a snow-trail grooming device
- a hydraulic pump (not shown) and hydrostatic gear (18) of the track drive (44).

However, Sabrowsky fails to disclose:

- means for distributing power to the track drive and further consumers of power

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- a central processing system for controlling the means for distributing power
- a method for controlling the vehicle comprising the steps of:
- changeably and selectively prioritizing one of the track drive and the further consumers by specifying threshold values for the driving power available to the further consumers and track drive
 - distributing power in dependency of the prioritizing step
 - detecting the environmental conditions and suggesting a change of the priority by the central processing system depending on the conditions
 - correlating the adjustments of the motor, hydraulic pump and hydrostatic gear of the track drive under the control of the central processing system in order to obtain the desired distribution of the driving power with little power loss
 - distributing the braking power onto further consumers under control of the central processing system.

Brandon discloses a device wherein the following method for controlling a vehicle is inherent and includes:

- means (182) for distributing power to the wheel drive (197, 199) and further consumers of power (16)
 - a central processing system (184) for controlling the means (182) for distributing power
- a method for controlling the vehicle comprising the steps of:
- changeably and selectively prioritizing one of the wheel drive (197, 199) and the further consumers (16) by specifying threshold (the maximum ansi speeds) values for the driving power available to the further consumers (16) and wheel drive (197, 199)

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- distributing power in dependency of the prioritizing step
- detecting the environmental conditions and suggesting a change of the priority by the central processing system (184) depending on the conditions
- correlating the adjustments of the motor (22), hydraulic pump and hydrostatic gear (18) of the track drive (44) under the control of the central processing system (184) in order to obtain the desired distribution of the driving power with little power loss
- distributing the braking power (regenerative braking) onto further consumers under control of the central processing system (184).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include the central processing system of Brandon on the device of Sabrowsky in order to efficiently provide operational power.

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

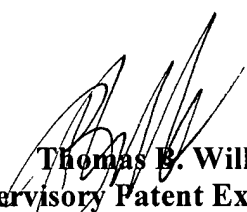
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however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alicia M. Torres whose telephone number is 571-272-6997. The examiner can normally be reached Monday through Thursday from 7:00 a.m. – 4:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas B. Will, can be reached at 571-272-6998.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is 703-305-1113. The fax number for this Group is 571-273-8300.



Thomas B. Will
Supervisory Patent Examiner
Group Art Unit 3671

AMT
February 20, 2006